

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
ADMINISTRATIVE LAW JUDGE LAUREN ESPOSITO**

**McDONALD'S USA, LLC, A JOINT EMPLOYER,
et al.**

and

**FAST FOOD WORKERS COMMITTEE AND
SERVICE EMPLOYEES INTERNATIONAL
UNION, CTW, CLC, et al.**

**Cases 02-CA-093893, et al.
04-CA-125567, et al.
13-CA-106490, et al.
20-CA-132103, et al.
25-CA-114819, et al.
31-CA-127447, et al.**

**MAZT, INC.'S MOTION FOR MODIFICATION OF THE CASE MANAGEMENT
ORDER, OR IN THE ALTERNATIVE, TO CLARIFY OR ESTABLISH NEW
PROCEDURES FOR SUBMITTING PROPOSED EXHIBITS**

Respondent MaZT, Inc. ("MaZT") moves to amend the Case Management Order, or in the alternative, clarify or establish new procedures for submitting proposed exhibits into the record. In support of its motion, MaZT states as follows:

I. INTRODUCTION

The manner in which Judge Esposito's March 3, 2015 Case Management Order has been interpreted and/or ignored is a violation of due process. Specifically, the General Counsel has violated MaZT's due process rights because (1) the General Counsel failed to provide notice to MaZT as to the true nature of the most recent biweekly hearings where exhibits and orders have been entered into the record without giving MaZT the opportunity to review and be heard on them and (2) even if utilized as prescribed by Judge Esposito and fully functional from a technological standpoint, the uploading of potential exhibits to the SharePoint site the day before the hearing fails to constitute proper notice or allow the meaningful use of the exhibits. These ongoing occurrences violate MaZT's due process rights and are prejudicial to MaZT's

preparation of any type of defense, thereby necessitating a modification of the Case Management Order. For these reasons, and those more fully stated herein, MaZT moves to amend the Case Management Order, or in the alternative, clarify or establish new procedures for submitting proposed exhibits into the record.

II. BACKGROUND

For the sake of efficiency, MaZT fully adopts and incorporates herein the facts McDonald's USA, LLC ("McDonald's") includes in the section entitled "Background" of its July 2, 2015 Motion to Amend the Case Management Order. MaZT further adds the following relevant facts for purposes of its Motion:

On May 19, 2015, Judge Esposito issued an Order scheduling a series of hearings to address the parties' compliance with the General Counsels' and Charging Parties' subpoenas. The Order scheduled specific days to address McDonald's compliance with the subpoenas and separate days to address the Respondent franchisees' compliance with the subpoenas. While the Order scheduled hearings to address McDonald's compliance on various days throughout June, July, and August, MaZT and Respondent franchisees were only scheduled for hearings on June 3rd and 24th. Judge Esposito specifically stated in her Order that "[p]arties not subject to the particular subpoenas being addressed are welcome, but not required to attend." *See*, May 19, 2015 Order Adjourning Hearing, p. 6. Judge Esposito further ordered that the hearings addressing MaZT's and Respondent franchisees' compliance with the subpoenas be broken up into three distinct parts organized by region as follows: New York, Chicago/Indiana,¹ and California/Philadelphia. *Id.* at 4, n.6.

¹ Los Angeles franchisees' are also part of this portion of the hearings.

On June 24, 2015, during a portion of the hearing regarding the Chicago and Los Angeles franchisees' progress in complying with the General Counsel's and Charging Parties' subpoenas, Counsel for the General Counsel moved to replace the scheduled July and August subpoena compliance hearings dealing with McDonald's progress with hearings dealing with MaZT and Respondent franchisees' compliance. MaZT was not present during this portion of the hearing given that it was explicitly scheduled to cover the other franchises' subpoena compliance. With no objections made by those parties in attendance, Judge Esposito granted the motion and rescheduled the hearings accordingly. MaZT and other Respondent franchisees not in attendance were only notified of this motion and Order after the fact, through a letter sent by the Counsel for the General Counsel two days later. *See* June 25, 2015, Letter from Jamie Rucker, attached hereto as Exhibit A. This resulted in significant confusion and back and forth communication between Counsel for the General Counsel and Respondent franchisees' counsel. *See*, June 25 and 26, 2015, Email Correspondence between A. Ortiz and Respondent franchisees' counsel, attached hereto as Exhibit B.

Further, during the portion of the hearing that was scheduled to address MaZT's compliance with the Counsel for the General Counsel's and Charging Parties' subpoenas, MaZT raised its concern that exhibits were admitted into evidence at the hearing the day prior despite the fact that it and other franchisees had not been provided with the opportunity to review them on the record. The orders and evidence entered into evidence during the June 23rd and 24th therefore violated MaZT's due process.

III. ARGUMENT

A. **GENERAL COUNSEL HAS BEEN AND WILL CONTINUE TO VIOLATE MAZT'S DUE PROCESS RIGHTS IF GENERAL COUNSEL DEPRIVES MAZT OF NOTICE OF THE TRUE NATURE OF THE BIWEEKLY HEARINGS**

MaZT did not receive notice that General Counsel contemplated introducing exhibits and making motions at the biweekly status conferences, and as a result evidence and orders were entered into the Record without providing MaZT any opportunity to review them and be heard. As the biweekly hearings are expected to continue in the same manner as they have been throughout the last month, revision is necessary to prevent further violations.

Due process requires that the parties charged with unlawful conduct be given prior notice of the charges and an opportunity to be heard in defense before the government can take enforcement action. *Soule Glass & Glazing Co. v. NLRB*, 652 F.2d 1055, 1073 (1st Cir. 1981). Stated in the strongest terms, "failure to clearly define the issues and advise an employer charged with a violation ... of the specific complaint he must meet and provide a full hearing upon the issue presented is ... to deny procedural due process of law." *J.C. Penney Co. v. NLRB*, 384 F.2d 479, 483 (10th Cir. 1967). Thus, the test of due process is "one of fairness under the circumstances of each case whether the employer knew what conduct was in issue and had a fair opportunity to present his defense." *Soule Glass & Glazing Co.*, 652 F.2d at 1074; *see also, Armstrong v. Manzo*, 380 U.S. 545, 550 (1965) ("An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objection.").

It is imperative a charged party is given notice about what is actually being litigated at a hearing. *See, Drug Package, Inc. v. NLRB*, 570 F.2d 1340, 1345 (8th Cir. 1978) (holding that an

issue was "not fairly litigated" because at the time of the hearing, the company was only aware of the possibility that the Board would find an 8(a)(1) violation, and "[h]ad the [c]ompany been given notice of the possibility of an 8(a) (5) violation and the resulting additional penalties, it might have litigated the matter differently"); *NLRB v. Pepsi-Cola Bottling Co. of Topeka*, 613 F.2d 267, 274 (10th Cir. 1980) (in a complex and confusing labor dispute, finding that "simply because violations could have been alleged in addition to those in the complaint does not obligate the employer to defend against all possibilities"); *Pergament United Sales, Inc. v. NLRB*, 920 F.2d 130, 135, 1990 U.S. App. LEXIS 20710, *15-16 (2d Cir. N.Y. 1990) ("the significant point is [the charged party] had notice that its motive in not hiring the 11 employees was to be the issue at the hearing").

MaZT's due process rights have been violated because it was not given notice as to what was being actually litigated at the recent biweekly hearings and therefore, was unable to make an informed decision as to attendance and defenses. Specifically, pursuant to the May 19, 2015 Order, Judge Esposito set up the biweekly conferences in order to monitor all Respondents' subpoena compliance, and set aside different times to discuss specific Respondents' compliance with certain subpoenas. In this regard, she carved out a narrow basis for these hearings, separate and apart from the bases for these hearings set forth by the Counsel for the General Counsel's consolidated complaint.

No further purpose for these hearings was contemplated or provided by Judge Esposito. Given the bifurcated nature of the hearings, she ordered that not all franchisees need be present at all status conferences² and ultimately set aside delineated times to discuss Respondents' subpoena compliance on an individual or group basis. Based on these orders, MaZT understood

² As set forth in Judge Esposito's May 19, 2015 Order, "Parties not subject to the particular Subpoenas being addressed at a conference are welcome but not required to attend."

that the joint employer issue would not be addressed at these conferences. That presumption is based on the fact that according to the Counsel for the General Counsel's theory of the case, the joint employer issue implicates all 31 Charged Parties and warrants the consolidation of all 75 unfair labor practice charges, therefore necessitating involvement of all franchisees in the hearing. Thus, because it was ordered that not all franchisees had to be present at every biweekly hearing, it was understood by MaZTs and the other franchisees that the substantive issues of the case would not be litigated in any way.

The reality is that exhibits and evidence are not only being discussed on the record at these hearings, but ruled on. MaZT is entitled to review all exhibits before they are entered into evidence in case they have any bearing on the joint employer or other substantive issues and MaZT wishes to object, respond or otherwise defend. As it stands, however, MaZT has no way of knowing if the exhibits being offered into evidence implicate the joint employer or any other substantive issue because it has not been given the opportunity to review them (or cannot via videoconference).

For example, during the June 23, 2015, biweekly status conference, at which only McDonald's was present for the Respondents, Counsel for the General Counsel presented and admitted exhibits into evidence. MaZT received no warning that exhibits would be discussed prior to the hearing, and was unable to review and make any objections before their entry into evidence.

Further, during the June 24, 2015, biweekly status conference, at which only select franchisee counsel were present in person at certain times and other franchisee counsel were present via videoconferencing at other times, apparently a *de facto* motion was made by the Counsel for the General Counsel and granted by Judge Esposito; recasting the next biweekly

status conference as “primarily a status conference with the Respondent franchisees” and ordered the appearance of all franchisees accordingly. By way of background, to date there have only been two biweekly status conference scheduled to discuss individual franchisee compliance with their respective subpoenas, and those conferences were divided into three separate parts by region—New York, Chicago/Indiana, California/Philadelphia—in accordance with Judge Esposito’s instructions. The other biweekly status conferences were scheduled to discuss McDonald’s compliance with the Counsel for the General Counsel’s and Charging Parties’ subpoenas and as such, counsel for MaZT or the other franchisees were not present.

MaZT’s counsel recently came to learn that one of the issues that has come up at the biweekly hearings with McDonald’s was efficiency of the hearings themselves, and the productivity of the hearings for monitoring McDonald’s compliance versus franchisees’ compliance. As a result of these discussions, on June 24, 2015, during the second part of the hearing which focused on the Chicago franchisees’ subpoena compliance, the Counsel for the General Counsel made an argument that several of such conferences should be rescheduled to focus on franchisees’ compliance because they are helpful, without providing any notice whatsoever to any of the franchisees, including MaZT. Accordingly, such an order plainly violates the MaZT’s due process, as the order directly affects MaZT’s defense to this matter, yet was heard and ruled on during a hearing at which not only was no notice was given, but MaZT and the vast majority of franchisees were not represented by design of the Court’s May 19, 2015 Order. Such circumstances undoubtedly violate the principles of fairness and therefore due process. *Soule Glass & Glazing Co.*, 652 F.2d at 1074.

The Counsel for the General Counsel’s contention that MaZT waived any due process claims on admitted exhibits because it had the *opportunity* to attend the hearing—and chose not

to -- is not supported by any legal authority. Simply providing notice of a hearing generally does not satisfy due process. MaZT knew that the June biweekly hearings would cover compliance with certain subpoenas directed to various Respondents on specific days and times, but was not made aware that anything more would be covered during those times. Thus, such notice is insufficient, as it fails to provide MaZT with notice about what is actually being litigated at a hearing, which in the case, happens to be the discussion and entry of exhibits and orders into the record. *See, Drug Package, Inc.*, 570 F.2d at 1345; *Pepsi-Cola Bottling Co. of Topeka*, 613 F.2d at 274; *Pergament United Sales, Inc.*, 920 F.2d at 135.

Further, the Counsel for the General Counsel's suggestion that MaZT waived such claims is a blatant contradiction of his previous statements. The Counsel for the General Counsel has repeatedly stated that consolidation of the charges in this proceeding would be efficient because not all charged franchisees would have to participate in every each day of the hearing. *See*, General Counsel's Motion for Case Management Order, p. 8 (claiming that under the General Counsel's case management proposal "only one franchisee would need to be present at any given time"); General Counsel's Opposition to McDonald's Motion to Sever, p. 4 ("If it is not relevant, counsel for one franchisee need not be present for the presentation of evidence regarding the other."). The Counsel for the General Counsel cannot argue that certain parties need not be present for the entirety of the hearing as a justification for case consolidation, yet also insist that such parties must always participate in order to preserve a claim that they have the right to object to certain exhibits being admitted into the record.

Further, since Justice Esposito's orders provide for continued biweekly status conferences, it is likely that the fragmented nature of the hearings will continue without any type of filter in place for the types of arguments that can be heard. Specifically, it is likely that issues

other than compliance with the specific subpoenas at issue will arise at these hearings -- despite the lack of the required notice—and MaZT’s due process rights will continue to be violated.

This issue of the presentation of evidence has been raised by Respondents in much if not all of their motion practice, but in particular, in their respective Motions to Sever. It was addressed by Judge Esposito in her Order Denying Respondents’ Motion to Sever, wherein she set forth that if “Counsel for the General Counsel would provide adequate notice that evidence pertinent to joint employer status would be presented, and counsel make arrangements for franchisee counsel and parties in a distant location to participate by videoconference at one of the Board’s Regional offices.” See, Order Denying Respondents’ Motion to Sever, p. 9. It is apparent, however, that such orders will not be followed, as MaZT and the other franchisees received no notice whatsoever that anything other than subpoena compliance—including the presentation of exhibits and entry into evidence—would be addressed at the June 23rd and 24th hearings.

Therefore, the Case Management Order should be modified so that MaZT is afforded the proper notice and these due process violations do not continue throughout the remainder of the hearing.

B. THE USE OF SHAREPOINT FAILS TO CONSTITUTE PROPER NOTICE OR ALLOW MEANINGFUL USE OF THE EXHIBITS

The issue of notice cannot be cured by the Counsel for the General Counsel’s uploading exhibits to the SharePoint site for review the night before the hearing. This is because “notice on the day of the hearing is not reasonable notice.” *NLRB v. Western Temporary Services, Inc.*, 821 F.2d 1258, 1263-1264 (7th Cir. 1987); citing *NLRB v. Jordan Bus Co.*, 380 F.2d 219, 223 (10th Cir. 1967); see also, *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314

(1950) (fundamental requirement of due process is notice that "afford[s] a reasonable time for those interested to make their appearance") (citations omitted). Similarly, use of SharePoint during trial does not allow for meaningful use of the exhibits.

As an initial matter, SharePoint is not something that was contemplated and ordered by Judge Esposito. Indeed, the Case Management Order's requires that the Counsel for the General Counsel "provide a set of exhibits at the Regional office where counsel will be participating by videoconference." *See*, Case Management Order, p. 5. Despite this order, no such arrangements have been made by the Counsel for the General Counsel. Instead, the Counsel for the General Counsel insists on the use of a SharePoint site for purposes of exhibit review, including a requirement that all potential exhibits be uploaded to the site the night before a hearing. This proposal must be rejected because it was not ordered by Judge Esposito, and the Counsel for the General Counsel lacks the authority to hold the parties to his demands in Board proceedings absent an order.

Further, even if the Counsel for the General Counsel timely uploaded its intended evidence to SharePoint and the technology worked properly so that MaZT and all franchisees could access and view the documents, if MaZT or another franchisee had an objection or a defense to even a single document and determined it best to attend the hearing in person to present the same, counsel would have to make arrangements to travel to the hearing with less than 24 hours' notice. As it stands with the hearing pending in New York, should that scenario occur and the objecting party is MaZT or another of the franchisees located in California,

counsel would need to travel approximately 3,000 miles at the last minute to meaningfully participate at the hearing. Such travel would be incredibly expensive and burdensome.³

In addition, regardless if MaZT participates in the hearing via videoconference or in person, SharePoint cannot be used in real time at trial. Simply put, use of SharePoint for presenting exhibits on cross-examination of any of the General Counsel's witnesses is especially inefficient, and therefore denies MaZT and the other Respondents the meaningful ability to use and access exhibits. As McDonald's aptly pointed out in its Motion to Amend the Case Management Order, in order to upload a document onto SharePoint, it must be scanned first. There is no scanner available in the courtroom. Thus, MaZT or any of the other parties would need to: (1) locate a scanner in the Region's office, which is usually outside the hearing room; (2) scan that exhibit into the Region's computer; (3) e-mail the scanned document from the Region's computer to the attorney's email account; (4) return to the hearing room and download the document from the attorney's email account onto the attorney's laptop; (5) upload the document from the attorney's laptop onto the SharePoint site; (6) wait for every single attorney at every location to locate the uploaded document on the SharePoint site; (7) print out the document so that copies can be made available to the witness, Judge Esposito, the Court Reporter, and all other parties who have requested a copy; and (8) distribute hard copies of the document. This entire process would take at least thirty minutes, assuming Wi-Fi in all locations works properly. *See*, McDonald's Motion to Amend the Case Management Order, p. 11.

Witness examinations would be extended infinitely by this process, which repeats itself every time any party wants to use a single exhibit. This exercise will undoubtedly disrupt the

³ As a practical matter, even given proper notice of the true nature of the biweekly hearings, requiring remote MaZT counsel to travel to Region 2 every two weeks for the continued hearings is overly burdensome, costly, impractical, and prejudicial. MaZT in no way waives this argument through this motion.

rhythm of the trial and unnecessarily prolong it. To require the use of SharePoint for exhibits is not only unprecedented but simply unworkable.

For those reasons, even the timely use of SharePoint that was contemplated by the Counsel for the General Counsel fails to constitute proper notice. Moreover, SharePoint cannot be used in real time at trial, and denies parties the meaningful use of exhibits. The Case Management Order should be modified to address the use of SharePoint and the Counsel for the General Counsel's authority to make such decrees, and protect MaZT from further due process violations.

IV. CONCLUSION

For the foregoing reasons, MaZT respectfully requests that Administrative Law Judge Esposito grant its Motion for Modification of the Case Management Order, or in the alternative, clarify or establish new procedures for submitting proposed exhibits into the record.

Dated: July 6, 2015

BEST BEST & KRIEGER LLP

By: 

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Exhibit “A”



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June 25, 2015

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Re: McDonald's USA, LLC, a Joint Employer,
et al.
Case Nos. 02-CA-093893, et al.

Dear Counsel:

As you know, the next hearing before Judge Esposito in this matter is scheduled for Tuesday, July 14, 2015. Unless I hear otherwise before the close of business Tuesday, June 30, 2015, I will assume that attorneys from the firms of Jones Day, Bond, Brody & Associates, and Levy Ratner will appear in person at 26 Federal Plaza to participate. Every other counsel should advise me before the close of business on Tuesday, June 30, 2015, whether s/he wishes to appear via video from a Regional office and, if so, (i) whether s/he intends to join from Region 4, Region 13, Region 20, Region 25, or Region 31 and (ii) at what time.

I would like to schedule the following times and participants for July 14th: 10:00 a.m. (EDT) for Brody and Associates, representing the New York franchisees; 11:00 a.m. (EDT) for Fisher & Phillips, representing the Los Angeles and certain of the Chicago franchisees; and noon (EDT) for Hirsch & Hirsch and Claude Schoenberg, representing the Philadelphia franchisee, and Best, Best & Krieger, representing the Sacramento franchisee. Following conclusion of discussion of subpoena compliance matters for those franchisees, any issues relating to McDonald's USA, LLC's progress towards compliance will be discussed.

At hearing on June 24, 2015, Mr. DiLorenzo advised the Court and General Counsel he is not available July 14, 2015. Therefore, and because I have been unable to reach Mr. DiLorenzo by telephone today, hearing regarding subpoena compliance by the franchisees he represents is hereby provisionally scheduled for the following day, July 15, 2015, at 10:00 a.m.

As set forth in Judge Esposito's May 19, 2015 order, "Parties not subject to the particular Subpoenas being addressed at a conference are welcome but not required to attend; arrangements

should be made with General Counsel.” As set forth above, the procedure for making such arrangements is to notify me before the close of business on Tuesday, June 30, 2015, whether you wish to appear via video from a Regional office on July 14th and, if so, at what time and from which of the five listed Regions.

Yours truly,

/s/ Jamie Rucker

Jamie Rucker, Counsel for the General Counsel

cc: G. Dunham, R. Wainstein, Judge Esposito

Exhibit “B”

Thomas OConnell

From: Claude Schoenberg <claude.schoenberg@me.com>
Sent: Friday, June 26, 2015 8:43 AM
To: Ortiz, Alejandro
Cc: Abby Warren; Rucker, Jamie; Robert Brody; ddavis@jonesday.com; wgoldsmith@jonesday.com; sharoncohen@jonesday.com; mwlampe@jonesday.com; jgrossman@jonesday.com; alagenbroad@jonesday.com; mwhitton@jonesday.com; gshoward@jonesday.com; jlinas@jonesday.com; mferrell@jonesday.com; beasley@jonesday.com; amadsen@jonesday.com; Thomas OConnell; Ashley Ratliff; Roger Crawford; gwilcox@levyratner.com; mwissinger@levyratner.com; dslutsky@levyratner.com; acesario@levyratner.com; smiller@laborlawyers.com; cannunziata@laborlawyers.com; jhux@laborlawyers.com; rpetty@laborlawyers.com; carlsonmjj@yahoo.com; jahirsch@hirschfirm.com; klkrieger@jamhoff.com; dpdean@jamhoff.com; reggriffin@jamhoff.com; dmdalmat@jamhoff.com; sgraham@unioncounsel.net; judy.scott@seiu.org; mike@unionlawyers.net; jmacey@maceylaw.com; rhicks@maceylaw.com; jcohen@rsglabor.com; enaduris-weissman@rsglabor.com; bbennett@dbb-law.com; gluscombe@dbb-law.com; ldilorenzo@bsk.com; agottlieb@bsk.com; thendry@bsk.com; pmelfi@bsk.com; Kobell, Deena E.; Castillo, J. Edward; Hill, Christina; McCormick, Kevin; Taylor, Sylvia L.; McPalmer, Richard; Roberson, Fredric; Gee, Brian; Fong Sandoval, Rudy; Rubin, John A.; Ta, Lynn MG; White, Anne; See, Rachel; Dunham, Geoffrey; Wainstein, Richard; Esposito, Lauren; Ulmet, Julie R.; Herlands, Zachary; Rowe, Nicholas A.; Frisch, Jacob
Subject: Re: hearing schedule for July 14, 2015 in McDonald's USA, LLC, a Joint Employer, et al., Case Nos. 02-CA-03893, et al.

Mr. Ortiz. I represent Philly franchise Jo-Dan. What status conference conducted on June 24 are you referring to? I participated in status conference designated for Jo-Dan at noon on June 24 and do not recall Judge Esposito ordering Jo-Dan to appear on July 14.

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On Jun 26, 2015, at 10:56 AM, Ortiz, Alejandro wrote:

Ms. Warren:

I write for Mr. Rucker in response to your email below. During the status conference on Wednesday, June 24, 2015, Judge Esposito accepted the General Counsel's request that the July 14 status conference with McDonald's USA be recast as primarily a status conference with the Respondent Franchisees.

Thank you.

Alejandro (Alex) A. Ortiz
Field Attorney
National Labor Relations Board, Region 2
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212-264-0326 (direct)

212-264-0300 (main)
212-264-2450 (fax)

From: Abby Warren [mailto:AWarren@brodyandassociates.com]

Sent: Thursday, June 25, 2015 5:53 PM

To: Rucker, Jamie; Robert

Brody; ddavis@jonesday.com; wgoldsmith@jonesday.com; sharoncohen@jonesday.com; mwlampe@jonesday.com; jgrossman@jonesday.com; alagenbroad@jonesday.com; mwhitton@jonesday.com; gshoward@jonesday.com; jlinas@jonesday.com; mferrell@jonesday.com; beasley@jonesday.com; amadsen@jonesday.com; thomas.oconnell@bbklaw.com; as-hley.ratliff@bbklaw.com; roger.crawford@bbklaw.com; gwilcox@levyratner.com; mwissinger@levyratner.com; dslutsky@levyratner.com; acesario@levyratner.com; smiller@laborlawyers.com; cannunziata@laborlawyers.com; jhux@laborlawyers.com; rpetty@laborlawyers.com; carlsonmij@yahoo.com; jahirsch@hirschfirm.com; claudeschoenberg@me.com; klkrieger@jamhoff.com; dpdean@jamhoff.com; regriffin@jamhoff.com; dmdalmat@jamhoff.com; sgraham@unioncounsel.net; judy.scott@seiu.org; mike@unionlawyers.net; jmacey@maceylaw.com; rhicks@maceylaw.com; jcohen@rsglabor.com; enaduris-weissman@rsglabor.com; bbennett@dbb-law.com; gluscombe@dbb-law.com; ldilorenzo@bsk.com; agottlieb@bsk.com; thendry@bsk.com; pmelfi@bsk.com; Kobell, Deena E.; Castillo, J.

Edward; Hill, Christina; McCormick, Kevin; Taylor, Sylvia L.; McPalmer, Richard; Roberson, Fredric; Gee, Brian; Fong Sandoval, Rudy; Rubin, John A.; Ta, Lynn MG; White, Anne; See, Rachel

Cc: Dunham, Geoffrey; Wainstein, Richard; Esposito, Lauren; Ortiz, Alejandro; Ulmet, Julie R.; Herlands, Zachary; Rowe, Nicholas A.; Frisch, Jacob

Subject: RE: hearing schedule for July 14, 2015 in McDonald's USA, LLC, a Joint Employer, et al., Case Nos. 02-CA-03893, et al.

Jamie:

We are in receipt of your letter but are unclear on it. Where did Judge Esposito order the Franchisees to appear on July 14?

Thank you.

Abby

Abby Warren

Brody and Associates, LLC

179 Post Road West - Westport | Connecticut 06880


Tel (203) 965-0561 | Fax (203) 965-0569

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<image002.jpg><image003.jpg>

 Before printing this email, please consider the environment. Thank you.

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From: Rucker, Jamie [mailto:Jamie.Rucker@nrlb.gov]

Sent: Thursday, June 25, 2015 5:34 PM

To: Robert Brody; Abby

Warren; ddavis@jonesday.com; wgoldsmith@jonesday.com; sharoncohen@jonesday.com; mwlampe@jonesday.com; jgrossman@jonesday.com; alagenbroad@jonesday.com; mwhitton@jonesday.com; gshoward@jonesday.com; jlinas@jonesday.com; mferrell@jonesday.com; beasley@jonesday.com; amadsen@jonesday.com; thomas.oconnell@bbklaw.com; ashley.ratliff@bbklaw.com; roger.crawford@bbklaw.com; gwilcox@levyratner.com; mwissinger@levyratner.com; dslutsky@levyratner.com; acesario@levyratner.com; smiller@laborlawyers.com; cannunziata@laborlawyers.com; jhux@laborlawyers.com; rpetty@laborlawyers.com; carlsonmji@yahoo.com; jahirsch@hirschfirm.com; claudeschoenberg@me.com; klkrieger@jamhoff.com; dpdean@jamhoff.com; regriffin@jamhoff.com; dmdalmat@jamhoff.com; sgraham@unioncounsel.net; judy.scott@seiu.org; mike@unionlawyers.net; jmacey@maceylaw.com; rhicks@maceylaw.com; jcohen@rsglabor.com; enaduris-weissman@rsglabor.com; bbennett@dbb-law.com; gluscombe@dbb-law.com; ldilorenzo@bsk.com; agottlieb@bsk.com; thendry@bsk.com; pmelfi@bsk.com; Kobell, Deena E.; Castillo, J. Edward; Hill, Christina; McCormick, Kevin; Taylor, Sylvia L.; McPalmer, Richard; Roberson, Fredric; Gee, Brian; Fong Sandoval, Rudy; Rubin, John A.; Ta, Lynn MG; White, Anne; See, Rachel

Cc: Dunham, Geoffrey; Wainstein, Richard; Esposito, Lauren; Ortiz, Alejandro; Ulmet, Julie R.; Herlands, Zachary; Rowe, Nicholas A.; Frisch, Jacob

Subject: hearing schedule for July 14, 2015 in McDonald's USA, LLC, a Joint Employer, et al., Case Nos. 02-CA-03893, et al.

Please see the attached letter.

CERTIFICATE OF SERVICE

I, the undersigned, declare that I am employed in the County of Riverside. I am over the age of 18 years and not a party to the within entitled action. My business address is 3390 University Ave., 5th Floor, Riverside, CA 92501.

On July 6, 2015, I served **MAZT, INC.'S MOTION FOR MODIFICATION OF THE CASE MANAGEMENT ORDER, OR IN THE ALTERNATIVE, TO CLARIFY OR ESTABLISH NEW PROCEDURES FOR SUBMITTING PROPOSED EXHIBITS** to all parties by electronic mail, addressed as follows:

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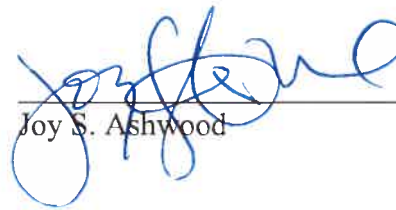
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I declare, under penalty of perjury, that the foregoing is true and correct. Executed on
July 6, 2015, at Riverside, California.


Joy S. Ashwood